



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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March 25, 2003

## CERTIFIED RETURN RECEIPT

7099 3400 0016 8896 2529

Mr. Russell Harms  
Georgia Pacific Corporation  
P.O. Box 337350  
North Las Vegas, Nevada 89033

Re: Notice of Noncompliance, Georgia Pacific Corporation, Eagle Canyon Quarry/San Rafael, M/015/050, Emery County, Utah

Dear Mr. Harms:

This letter provides formal notice that mining operations at the Eagle Canyon Mine (M/015/050), located in Emery County, Utah, are being conducted in violation of the Utah Mined Land Reclamation Act, 40-801 et.seq. (Act) and the Minerals Reclamation Program Rules, sections R647-1 through R647-5.

A site inspection was performed on February 11, 2003, at which time the Division was given a map of the disturbed area. This map shows that the disturbed area is 42.37 acres which is 7.87 acres larger than the disturbance area for which the operator has bonded.

### Findings of Non-Compliance

1. Georgia Pacific Corporation has expanded its mining operations by an additional 7.87 acres of surface disturbance. Rule R647-4-118 requires an operator to file a Notice of Intention to Revise Large Mining Operations (FORM MR-REV), post adequate reclamation surety and receive Division approval of the revised permit application before creating any new mine disturbance. To date, Georgia Pacific Corporation has failed to file an application to revise the approved Notice of Intention to include this additional disturbance.
2. Rule R647-4-113 requires an operator to post surety with the Division to ensure adequate reclamation is performed, before mining-related disturbances are created. To date, Georgia Pacific Corporation has not filed adequate reclamation surety to cover the additional 7.87 acres of new surface disturbance.

### **Location of Non-Compliance**

Disturbances associated with Georgia Pacific's Eagle Canyon Mine are located in the E1/2 SE1/4 of Section 24, Township 22 South, Range 8 East, and the W1/2 SW1/4 of Section 19, Township 22 South, Range 9 East, SLBM, Emery County, Utah.

### **Mitigation Requirements:**

1. **Georgia Pacific Corporation must post a \$16,653 (\$2116 X 7.87 acres) *transitional* reclamation surety within 45 days of receipt of this letter.** (\$2116 is the average cost per acre under the current reclamation surety.) This *transitional* surety will remain in place until a permit revision updating the original mining and reclamation plan is submitted and approved. The surety amount will be adjusted accordingly upon Division approval of the permit revision application.
2. Georgia Pacific Corporation must file a Notice of Intention to Revise Large Mining Operations (FORM MR-RV) to modify the approved large mine permit to include this additional acreage, within 60 days of its receipt of this letter.
3. Until the *transitional* surety is posted and the permit revision is approved, **Georgia Pacific Corporation Company must restrict its mining operations to the currently permitted disturbed area footprint. The boundary of this 34.5-acre area must be marked with metal T-posts, or other appropriate markers, to ensure that operations are not conducted outside of this disturbed area.** The markers must be placed so they can be seen in either direction with the naked eye. **The markers must be installed within 30 days of your receipt of this notice.**

You may have your existing surety company post a rider to increase the current reclamation surety bond amount, or post another form of *transitional* surety and a transitional Reclamation Contract. If you choose to post a different form of reclamation surety, please contact Joelle Burns at (801) 538-5291 to obtain the proper forms for filing this alternate form of surety.

### **Penalties for Failure to Comply**

1. If Georgia Pacific Corporation fails to resolve this Notice of Non-compliance within the timeframes set forth in this letter, the Division may file a formal Notice of Agency Action. This enforcement action could require the operator to appear at an informal hearing before the Division Director, or a formal hearing before the Board of Oil, Gas and Mining. Following public notice and formal hearing, the Board may issue an abatement or compliance Order which may require: immediate suspension or termination of all mining operations until the revised plan is approved; revocation of the existing permit and immediate reclamation of the site; and/or other lawful requirements as authorized under the Act.

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2. The Board may also ask the County prosecutor or attorney general to bring suit against the operator to enforce its Orders and to seek assessment of appropriate penalties, not to exceed \$10,000 for each knowing or willful violation of the Act.

If you wish to contest this Notice of Non-Compliance, you may contact the Division to schedule an informal meeting with the Associate Director of Mining and members of the Minerals Program staff. Please contact Vickie Southwick, Executive Secretary, at (801) 538-5304, within 10 days of your receipt of this notice, if you choose to appeal this Notice and arrange an informal meeting.

If you have any questions regarding the requirements of this letter, please contact me at (801) 538-5286, or Paul Baker at 538-5261. Thank you for your immediate attention to this matter.

Sincerely,



D. Wayne Hedberg  
Permit Supervisor  
Minerals Regulatory Program

jb  
cc: Dean Nyffeler, Price BLM  
Mary Ann Wright, Associate Director  
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